

CHAPTER 32
FOOD SERVICE ESTABLISHMENT INSPECTIONS

[Prior to 8/26/87, see Inspections and Appeals Department[481]—Ch 23]

481—32.1(10A) Inspection standards. Standards used to inspect food service establishments are found in the 1976 edition of the Food and Drug Administration Food Service Sanitation Ordinance (Ordinance) subject to the following amendments:

1. Sections 1-102 (h), (i) and (z), 1-104, and 10-601 are deleted.
2. Section 10-101 is amended to say that churches, fraternal societies, or civic organizations which serve food one day per week do not need to be licensed. If these organizations serve more often than one day per calendar week at a single site, that site must be licensed. Schools and school-sponsored organizations are exempt from the license requirement as long as food is served in the school or at a school-sponsored event.
3. Section 10-201 is amended to say that all food service establishments are inspected before a license is granted. Food service establishments (except summer camps, schools, vending machine commissaries, substance abuse residential and halfway houses) with an inspection score of 90 or greater shall be inspected at least once biennially. All other food service establishments shall be inspected at least once annually.
4. Section 7-802 is amended to say that bed and breakfast homes are not required to have a separate kitchen facility to obtain a food service establishment license to serve food to people (the general public) other than overnight guests.
5. Section 8-201 is amended so mobile food units or pushcarts need not report to a licensed food service establishment when they sell only prepackaged items or when all food is prepared on the unit.
6. Section 5-103(a) is amended so establishments need not have a three-compartment sink when the following conditions are met:
 - Three or fewer utensils are used for food preparation.
 - Utensils are limited to tongs, spatulas, and scoops.
 - The department has approved.
7. Section 2-502(a) is amended to say that where a bulk dispenser for milk and milk products is not available and portions not more than one-half pint are required, milk and milk products may be poured from a commercially filled container of not more than one gallon capacity.
8. Section 6-502 is amended so that food service establishments built prior to January 1, 1979, are not required to provide mixing or combination faucets for hot and cold water unless the establishment is extensively remodeled or the sink is replaced.
9. Section 7-703 is amended so that Category (2) detergents, sanitizers, and related cleaning or drying agents; and Category (3) caustics, acids, polishes, and other chemicals can be stored together. Category (1) insecticides and rodenticides shall be stored separately.

A copy of the ordinance is available from the Inspections Division, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319.

Food service establishments built or remodeled after January 1, 1979, must meet building standards in the ordinance.

481—32.2(137B) Posting of inspection results.

32.2(1) A food service establishment which is rated lower than 76 twice in a row shall post the numerical rate with the word “poor.” The numerical rating is explained in the ordinance. The numerical rate shall be posted where it is easy for the public to see.

32.2(2) A person may request reinspection at any time. The request must:

- a. Be in writing,
- b. Be signed by the applicant, and
- c. Specify which improvements have been made.

32.2(3) When the department receives a request for reinspection, the department will make every effort to conduct the reinspection within 14 days, or as soon as possible after that, not to exceed 30 days.

481—32.3(137B) Clarification of ordinance.

32.3(1) All silverware on preset tables in dining rooms shall be covered to prevent contamination.

32.3(2) All employees who assemble, dress, cook, manufacture, compound, or serve food are required to effectively restrain hair, wigs, and beards. Caps, hair spray, bandanas, head scarves and hairnet are acceptable restraints provided they cover and restrain the hair.

32.3(3) When alcoholic beverages are served in a food service establishment, a sink with not fewer than three compartments shall be used in the bar area for manual washing, rinsing and sanitizing of bar utensils and glasses. Where food is served in a bar, a separate three-compartment sink for washing, rinsing and sanitizing food-related dishes shall be used in the kitchen area, unless a dishwasher is used to wash utensils.

32.3(4) Toilets and lavatories shall be well lighted and available to employees and patrons at all times. Establishments built or extensively remodeled after January 1, 1979, shall be electrically vented to the outside of the building. On-premises restrooms are not required in the licensed premises when the licensed premises has no on-premises seating and restrooms in the mall or shopping center are convenient and available to patrons and employees at all times.

32.3(5) Separate toilet facilities for men and women shall be provided in:

- a. Places built or extensively remodeled after January 1, 1979, which seat 50 or more people, or
- b. All places built or extensively remodeled after January 1, 1979, which serve beer or alcoholic beverages.

32.3(6) Proper care of seafood. All seafood, including fresh fish, shellfish, and other perishable fishery products shall be stored or displayed at an internal temperature of 40°F (4.4°C) or less.

32.3(7) Transient food service establishments shall comply with chapter 9 of the Ordinance.

32.3(8) Food service establishments built prior to January 1, 1979, are not required to have a utility sink or curbed cleaning facility unless the establishment is extensively remodeled.

481—32.4(137B) Mobile food units/pushcarts. In addition to chapter 8 of the 1976 edition of the Food and Drug Administration Food Service Sanitation Ordinance, mobile food units/pushcarts shall comply with the following:

32.4(1) The following requirements apply to all mobile food units/pushcarts:

- a. All mobile food units/pushcarts must be licensed by the department. Applications for licenses are available from the Inspections Division, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083. The unit shall be inspected by a representative of the department and determined to be in compliance with the rules and regulations of the department prior to the granting of the license.

- b. All equipment and utensils, including the interior of cabinet units or storage compartments, shall be smooth, nonabsorbent, and easily cleanable.

- c. During operation, food shall not be displayed, stored, or served from any place other than the unit, or other licensed facility.

d. Food condiments shall be in prepackaged, individual servings or dispensed from department-approved containers.

e. Potentially hazardous foods shall be maintained at 45°F or below, or 140°F or above. Frozen foods shall be kept frozen.

32.4(2) Mobile food units/pushcarts which handle unpackaged food are required to meet the following conditions, in addition to those listed in subrule 32.4(1):

a. A hand-washing sink, equipped with pressurized hot and cold running water shall be installed in all mobile food units/pushcarts initially licensed or constructed after July 1, 1992.

b. The mobile/pushcart unit shall contain a fresh water supply tank and a permanently installed waste retention tank with a capacity at least 15 percent larger than the water supply tank.

c. The unit shall contain hand cleanser and sanitary towels.

d. All units shall either contain a three-compartment sink or shall have access, at least daily, to one located at another licensed establishment, where utensils and equipment can be washed, rinsed, and sanitized. This requirement for a three-compartment sink can be waived under the provisions in rule 481—32.1(10A), numbered paragraph 6.

e. A sanitizing solution shall be provided on the location of the mobile/pushcart so the unit and utensils can be kept cleaned and sanitized.

481—32.5(137B) Criminal offense—conviction of license holder.

32.5(1) The department may revoke the license of a license holder who:

a. Conducts an activity constituting a criminal offense in the licensed food service establishment; and

b. Is convicted of a felony as a result.

32.5(2) The department may suspend or revoke the license of a license holder who:

a. Conducts an activity constituting a criminal offense in the licensed food service establishment; and

b. Is convicted of a serious misdemeanor or aggravated misdemeanor as a result.

32.5(3) A certified copy of the final order or judgment of conviction or plea of guilty shall be conclusive evidence of the conviction of the license holder.

32.5(4) The department's decision to revoke or suspend a license may be contested by the adversely affected party pursuant to the provisions of 481—30.13(10A).

This rule is intended to implement Iowa Code section 137B.11(3).

481—32.6(137B) License required. A license must be granted by the department of inspections and appeals to open or to operate a food service establishment, mobile food unit, pushcart, transient food service establishment, or temporary food service establishment.

These rules are intended to implement Iowa Code sections 10A.502, 137A.5, and chapter 137B.

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